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VIA FACSIMILE AND ECF

The Honorable Stephen C. Robinson
United States Courthouse
Courtroom: 621
300 Quarropas St., Room 633
White Plains, NY 10601
(914) 390-4179 (FAX)

RE: Pascal v. Feigelson and Bank of America, No. 08 CV 550 (SCR)
Plaintiff's Preliminary Motion for Class Certification

Dear Judge Robinson:

I represent the plaintiff in the above referenced matter. Plaintiff is requesting that this Court enter an order determining that this Fair Debt Collection Practices Act ("FDCPA") action may proceed as a class action against defendants and requests permission to file her motion and supporting memorandum of law at this time.

This case concerns form letters sent by Bank of America in the name of Allan P. Feigelson, P.A., to falsely indicate that an attorney is collecting or attempting to collect the debts. Plaintiff is proposing a class that consists of (a) all natural persons (b) who were sent a letter on the same letterhead as Exhibit A (c) on or after a date one year prior to the filing of this action and (d) ending 20 days after the filing of this action.

Plaintiff is filing this Preliminary Motion for Class Certification at this time because recently it has become common practice for defendants in these types of cases to attempt to moot the named plaintiff's claims by way of a Rule 68 Offer of Judgment to disqualify the plaintiff from acting as a class representative.

Discovery will be needed to brief the motion, and it is our intention to issue discovery as soon as possible. Plaintiff proposes that the court grant plaintiff permission to file her Motion for Class Certification and supporting Memorandum of Law so as to preclude any possibility of defendants issuing a Rule 68 offer of Judgment and enter an order that either (1)

grants plaintiff additional time, approximately 30 days, to discuss with opposing counsel the possibility of entering into a stipulation in which the defendants agree not to issue an offer of judgment or otherwise tender relief to the plaintiff, in exchange, plaintiff would agree to withdraw the motion without prejudice and re-file the motion at a later date; or (2) enters and continues the motion to a later date, at which point the parties will have been able to conduct the necessary discovery to respond and reply to plaintiff's motion. Plaintiff anticipates that class discovery will take 4-5 months.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Abraham Kleinman', with a long horizontal flourish extending to the right.

Abraham Kleinman

cc: Edelman, Combs, Lattuner & Goodwin, Mark K. Anesh, Esq., attorney for Allan P. Feigelson and Bank of America, N.A.